

**RESOLUTION OF FINDINGS AND CONCLUSION
BOARD OF ADJUSTMENT
BOROUGH OF RUMSON
BLOCK 139, LOT 1**

WHEREAS, JOSH WELLE has applied to the Board of Adjustment of the Borough of Rumson for permission to enclose the existing front balcony and construct a new covered side deck at the existing premises located at 17 Grant Avenue and known as Block 139, Lot 1 on the Tax Map of the Borough of Rumson, and which premises are in the R-5 Zone; and

WHEREAS, on November 16, 2021, at a meeting of the Board, due notice having been given the adjoining property owners and published in accordance with N.J.S.A. 40:55D-12 as appears by affidavits filed with the Board, and a quorum being present, the aforementioned application was heard; and

WHEREAS, the Board, after carefully considering the evidence presented by the applicant and the public, including site/architectural plans by A. Condouris, Architect, Sheets V1, V2, V3 all dated 10/29/21, Administrative Officer data sheet, and prior Resolution of 8/20/13 made the following factual findings:

1. The property is an existing single family house, constructed in 2014 as per the 8/20/13 Approval Resolution, located on an undersized (5245 s.f.) irregular lot having 159.9 feet frontage on Grant Avenue and irregular depth to a maximum of about 66 feet. The applicant proposes to enclose the existing front balcony and construct a new partially covered side deck. Variance relief is required as the lot is undersized (6000 s.f. required, 5245 s.f. existing) and lot shape is nonconforming (34 feet required, 0 feet existing). The existing house is nonconforming in building front setback (35 feet required, 14.5 feet existing) and rear setback (35 feet required, 6.8 feet existing). The new construction will increase the nonconformities in building front setback (35 feet required, 13 feet proposed) and rear setback (35 feet required, 5.4 feet proposed).
2. The existing lot is undersized and triangular shaped, and any addition to the structure requires variance relief due to lot size/shape. The new deck extends to the large side-yard of the property and creates no impact or detriment. The enclosure of the second floor front balcony creates a relatively minimal further intrusion into the front setback. No neighbors or objectors appeared. The testimony indicated the addition will enhance the appearance and utility of

the property while not being detrimental to the neighborhood or the zone plan. By Board comments, it was requested that this applicant revise the plans to extend the new siding partially to cover a significant portion of the ground floor exterior, so as to enhance the appearance. The applicant agreed as a condition, and revised plans were submitted and approved showing that revision prior to Resolution adoption.

WHEREAS, based upon the foregoing testimony and findings of fact, the Board finds that with respect to the specific premises the purposes of the Land Use Act would be advanced by a deviation from the Zoning Ordinance and the requirements and the benefits of this deviation would substantially outweigh any detriment; and that the relief requested by applicants can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Borough of Rumson and to deny the application would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the applicants.

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the Borough of Rumson on this 14th day of December, 2021 that the application of JOSH WELLE for a variance to enclose the existing front balcony and construct a new covered side deck on the property on the existing premises in accordance with the plans as agreed to and amended and the testimony and evidence presented at the hearing, be granted upon the following conditions:

1. That this variance will be deemed to be void by abandonment if a building permit is not issued within one year from the date hereof.
2. All factual representations made on behalf of the applicants are incorporated herein as conditions of this variance.
3. The action of the Board of Adjustment in approving this application shall not relieve the applicants of responsibility for any damage caused by this project, nor does the Board of Adjustment or the Borough of Rumson accept or have any responsibility or liability for the structural design of the project or for any damage which may be caused by the project.
4. Prior to issuance of any Certificate of Occupancy the applicant must repair or replace any curb, sidewalk, or street pavement damaged, in the judgment of the Borough Administrative Officer, as part of or by reason of the construction of the project.

5. The following must be accomplished prior to the issuance of a development, zoning and/or building permit:
 - a. Evidence must be provided by the applicant that the permits and approvals listed in subsection 22-3.4a,4 of the Development Regulations have, where applicable, been obtained.
 - b. Taxes must be current.
 - c. If applicable, inspection fees as required by subsection 22-3.14m and n of the Development Regulations must be paid by the applicant.
 - d. Any outstanding review fees or escrow deficiency must be paid.
 - e. Notice must be published as required by subsection 22-3.3e,5 of the Development Regulations.

Above Resolution moved by _____,
seconded by _____, and on roll call the
following vote was recorded:

In the Affirmative:

In the Negative:

Abstain:

The foregoing is a true copy of a Resolution adopted by the Board of Adjustment of the Borough of Rumson at its meeting on December 14, 2021, as copied from the Minutes of the said meeting.

DATE:

Secretary
Board of Adjustment

